

MICHIGAN TRUCK SAFETY COMMISSION MTSC

Commission Meeting held at the
Michigan Center for Truck Safety - Lansing

(APPROVED)

**November 14, 2007
Minutes**

MTSC Commissioners Present

Jacqueline El-Sayed - Chair
Fred Bueter – Vice-chair
Michael Prince
Timothy Kaltenbach
James Parrinello
Robert Powers

Guests

Frank Kelley – Transportation Commission
Michael Fielek – DELEG/MPSC

Michigan Center for Truck Safety Staff

Mike Irwin
Chris Caswell

MTSC Commissioners Excused

James Scalici
Robert McFarland
James Van Zoeren
David Zick

OHSP Staff

Deborah Sonnenberg
Kim Kelly
Steve Schreier
Pietro Semifero

I. CALL TO ORDER

The MTSC meeting was called to order by Dr. El-Sayed, Chair at 9:05 a.m.

II. ROLL CALL

Roll call of MTSC Commissioners was completed determining a quorum was present.

III. APPROVAL OF MTSC MINUTES

Dr. El-Sayed called for a motion to approve the minutes from the September 12, 2007, meeting. A motion to accept the minutes was made by Captain Powers and supported by Mr. Prince. Motion carried.

IV. ANNOUNCEMENTS

- a. Captain Powers provided an update on the Southern Border Demonstration Project stating that seven Mexican motor carriers totaling 40 trucks are now approved for entry into the U.S.
- b. Mike Prince announced the dates of the Traffic Safety Summit as March 11-13 and encouraged everyone to attend some if not all of the conference. Commercial vehicle session topics have been proposed and are under consideration for inclusion in the final agenda which should be available within the next few weeks.
- c. A copy of the Governor's Traffic Safety Awards nomination form was provided by Mike Prince who encouraged everyone to nominate an individual, organization, or agency deserving of either the Richard Austin Long-term Traffic Safety Achievement award or the Outstanding Traffic Safety Achievements during calendar year 2007. The awards will be presented at the Traffic Safety Summit during a luncheon on Thursday, March 13, 2008. Dr. El-Sayed stated that possibly the efforts of the MTSC or the MCTS could be submitted for one of the awards. Dr. El-Sayed asked Ms. Caswell to draft a nomination for the MCTS to be submitted to the GTSAC Selection Committee.
- d. Mr. Prince shared a copy of the OHSP Traffic Safety Materials catalog and stated the materials are disseminated free of charge around the state and are available to the public.
- e. Mr. Irwin announced that Ms. Chris Caswell of the MCTS will be leaving her position at the end of December to pursue her law degree full time. Mr. Irwin stated that Chris has been a valued member of the MCTS for 14 years and her expertise and knowledge will be missed. Details of a farewell luncheon will be provided once they are confirmed.

- f. Dr. El-Sayed recently attended an open house for the State Police commercial vehicle inspection building located at the Ambassador Bridge. The reception was well-attended by law enforcement and also federal agency representatives. Captain Powers offered to arrange a visit to the facility for anyone interested.

V. OLD BUSINESS

- a. **MTSC Support of Log Truck Crib Trailers Federal Rule Change** – Dr. El-Sayed reported that as agreed upon at the last meeting, a letter was drafted on behalf of the MTSC and sent to the Federal Motor Carrier Safety Administration in support of the Timberman's Association recommendation for rule change. A copy of the correspondence was provided.
- b. **Hours of Service Federal Regulation Rule Change** – Captain Powers stated the American Trucking Association has filed and received a stay for 90 days to keep the current hours-of-service regulations in effect. The Federal Motor Carrier Safety Administration (FMCSA) is also working to develop an interim rule which is slated to be out by the end of November.
- c. **MCTS Contract with Eaton Corporation** – Mr. Irwin reported that the Eaton Corporation legal department has approved the new contract with the MCTS. One change is student fees. Beginning January 1, 2008, the program fee will increase to \$110 with the student paying \$50. The additional \$10 fee will be charged to offset the Center's expenses.
- d. **UMTRI Presentations to MSP Motor Carrier Enforcement Officers** – Mr. Pietro Semifero reported that UMTRI has agreed to provide, at no extra cost, three presentations on the large truck data study to MSP motor carrier officers and one presentation at the Traffic Safety Summit. Captain Powers reported that since he made the request, changes were made to their 2008 in-service training schedule whereby only one session would be desired at their February Leadership Conference to about 40 attendees.

VI. REPORTS

a. Chair's Report – Dr. Jacqueline El-Sayed

Dr. El-Sayed reported that the Governor has reappointed six MTSC commissioners to an additional two years expiring August 4, 2009. Dr. El-Sayed stated that with the appointment is the responsibility to attend meetings. This team was put together to represent various constituents. If members are consistently absent, the voice of their constituency is not heard and the lack of a quorum could jeopardize the action and effectiveness of the Commission. An attendance report will be maintained and shared with the Governor's appointment office periodically.

b. MCTS Project Director's Report – Mr. Mike Irwin

Are you Truck Smart Campaign - The MCTS was provided free of charge 300 public service announcement (PSA) spots (a \$10,000 value) in the month of November which will play on Comcast stations in the Detroit area. The MCTS is also negotiating a deal to have placement of the ads on WXYZ-TV's web page in the next few months.

Mike Irwin reported that the Michigan Truck Expo & Safety Symposium is February 19 and 20, 2008, at the Sheraton Hotel in Lansing. Note the dates are listed incorrectly in the Project Director's written report.

Truck Simulator – Training-the-trainer has begun with instructors from Baker College and E.L. Hollingsworth conducting the pilot student training. Interviews will be conducted within a few weeks to fill the Simulator coordinator position. Once the position is filled and the appointee trained, the simulator will be utilized as it was intended.

Teamsters Local #339 recently arranged for some of their members (owners, presidents, representatives, etc.), to tour the skid pad. From this visit, two employers committed their drivers to the program.

In response to the question if all commissioners were receiving the MCTS Newsletter, Mr. Irwin will review the listserv and rectify any omissions. The newsletter is available on the MCTS web site also.

c. OHSP Financial Report – Ms. Kim Kelly

Ms. Kim Kelly provided an overview of the September 30, 2007, financial report. This report is included in the MTSC Annual Report. The report indicates that expenses exceeded revenues by \$1,120,174, which will be covered with carryforward funds. The remaining carryforward balance is \$974,739.

Ms. Kelly shared a copy of the revenue history back to 1998, which depicts the revenue from the Single State Registration (SSR). The amounts have varied over the years and have been decreasing since FY 2003. Under the SSR program, the revenue was received by the Michigan Public Service Commission/Department of Labor and Economic Growth (MPSC/DLEG) which kept the first \$1.4 million. The Truck Safety Fund (TSF) received 90 percent of the remainder and DELEG got the remaining 10 percent. Given the uncertainties of the revenue collected under the new Unified Carrier Registration (UCR) fee system, MPSC/DELEG is now proposing to give the TSF a flat \$750,000. Ms. Kelly provided the advantages and disadvantages to this proposal.

Mr. Michael Fielek of the MPSC, the entity that administers the UCR program for Michigan, addressed the Commissioners concerning the flat rate proposal. Mr. Fielek explained that the new UCR program replaces two of Michigan's other major statewide revenue programs. One is the exempt registration fees and the other for interstate carriers based in Michigan doing intrastate carriage. Combined the loss of these two programs equates to approximately \$7.52 million. What affects the TSF is that under Act 254, 90 percent of all SSR revenues collected over \$1.4 million was deposited to the TSF, under the new UCR program, a cap is placed on the amount of money each state can collect. Currently, the cap is estimated at \$100 million and the MPSC's portion would be \$7.5 million. Under the UCR, fees would be collected from for-hire carriers, freight forwarders, brokers, and private fleets that run interstate. This is a whole new group of vehicle operators having to pay this fee. The MPSC does not expect to reach the cap this initial year, but does expect to in future years. Because the amount is capped, only Congress can change the number. This is different from the SSR where a better economy would equal the collection of more money. Under UCR, if the system over collects, the fee is reduced the next year, if it under collects, the fee will be increased the next year. The fear is Michigan will under collect and there is no provision to go back and do a make up.

By agreeing to collect the UCR fees, Michigan also agrees to enforce the UCR, however, Act 254 does not have sufficient statutory authority for the Michigan State Police (MSP) or any police agency to write tickets based upon non-compliance of UCR in Michigan. Also, the current language in Act 254 does not reflect UCR and does not allow the funding stream to come to the TSF. Therefore, the MPSC/DLEG proposes to write in an amendment that would direct \$750,000 annually to the TSF. This amount reflects the amounts received over the past years under the SSR program.

If agreeable, Mr. Fielek requested the MTSC's support in the legislature for the Act 254 amendment to set the flat amount for the TSF. It is uncertain at this time if the MPSC/DLEG or the MSP will be the lead agency in the legislative endeavor since MSP is also seeking Act 254 amendments to address the enforcement issue.

Mr. Bueter questioned if there was a provision for inflationary adjustments and Mr. Fielek stated no, it would take an act of Congress to change the amount. Mr. Fielek stated that Michigan has been granted the highest cap of any other state. How the system will work once the fee schedule is set is that the money collected by states over their cap will be sent to a depository to be distributed to recipient states that have not reached their cap. The MSPC believes transferring the \$750,000 to the TSF in the early part of the year could result in the guarantee of the TSF receiving a reasonable stream to count on every year.

Captain Powers stated MSP has extended its moratorium on enforcement of the UCR until at least January 1 due to the lack of authority to enforce it. The safety rules as written do not require carriers to carry proof of UCR payment, thus making it difficult to enforce. The MSP Traffic Safety Division is working to develop a process to enable realistic enforcement at the roadside. Another glitch in the current rule language allows for enforcement of the UCR on the for-hire carriers but not on the private carriers. Therefore, until there is uniformity of enforcement, the MSP will most likely continue its moratorium. Carriers need to be aware that local enforcement agencies are not bound by MSP's moratorium and are conducting enforcement. Also, some states have already enacted rule changes to provide for equitable enforcement and are doing so.

Captain Powers expressed the immediate need to get legislation introduced, and hopefully passed, to enable enforcement and determine where the UCR fees are to go. Due to the time factor for action on this, Dr. El-Sayed called for a motion to empower herself, Captain Powers, and Mr. Prince, on behalf of the MTSC, to monitor, track, and provide input on the legislative revisions proposed concerning the MPSC funding proposal and language to protect the funding. Mr. Parrinello so moved with support given by Mr. Bueter. Motion carried.

d. Operation Safe Driver Initiative – Capt. Robert Powers

The Commercial Vehicle Safety Alliance (CVSA) and the Federal Motor Carrier Safety Administration (FMCSA) collaborated to develop a new annual safety enforcement blitz aimed at targeting commercial vehicle driver behavior and qualifications. This enforcement effort took place the week of October 21 throughout all of North America. In Michigan, officers conducted 1,218 commercial vehicle inspections resulting in 78 drivers and 231 vehicles being placed out-of-service for severe safety defects. There were 1,800 traffic stops made and 1,162 citations issued of which 271 were for speeding.

Mike Irwin reported that the MCTS purchased several of the brochures produced for the Safe Driver Initiative and had the MCTS logo imprinted on them. They are being distributed via their Southeast Consultant and the office to spread MCTS's message focused on commercial and passenger vehicle driver behavior.

VII. ACTION ITEMS

a. Approval of the 2007 MTSC Annual Report – Mr. Steve Schreier

An electronic copy of the MTSC Annual report was provided to each Commissioner two weeks prior to this meeting for review and identification of incorrect data. Mr. Schreier stated that the financial report was added and a few minor corrections were made from comments received. Mr. Prince acknowledged the hard work and efforts of the OHSP staff that worked on the production of this document. Dr. El-Sayed called for a motion to approve the 2007 MTSC Annual Report. Mr. Parrinello moved to accept the report as corrected which was supported by Mr. Kaltenbach. Motion carried.

b. Approval of 2008 MTSC Meeting Calendar

To better accommodate the schedules of the Commissioners, the proposed meeting date of September 10 was changed to September 17. A motion was made by Mr. Kaltenbach to approve the schedule as amended which was supported by Mr. Bueter. Motion passed.

VIII. PUBLIC COMMENT

None

Meeting Adjourned at 10:45 a.m.

**Next meeting will be held at 9 a.m. on January 9, 2008
at the Michigan Center for Truck Driving, 1131 Centennial Way, Lansing, MI 48913**